
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within The Albert Memorial Hall, Ballater on 25th February 2005 at 10.30am

PRESENT

Eric Baird	Sandy Park
Duncan Bryden	Andrew Rafferty
Stuart Black	Gregor Rimell
Sally Dowden	David Selfridge
Basil Dunlop	Joyce Simpson
Douglas Glass	Richard Stroud
Bruce Luffman	Andrew Thin
Willie McKenna	Susan Walker
Eleanor Mackintosh	Bob Wilson
Alastair MacLennan	

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Pip Mackie

APOLOGIES:

Angus Gordon	Marcus Humphrey
Lucy Grant	Anne MacLean
David Green	Sheena Slimon

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Angus Gordon, Lucy Grant, David Green, Marcus Humphrey, Anne MacLean and Sheena Slimon.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 11th February 2005, held in Tomintoul were approved.
4. There were no matters arising.

DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA

5. Joyce Simpson declared an interest in planning application 05/058/CP.
6. Douglas Glass declared an interest in Item No. 7 on the Agenda (Paper 1).
7. Don McKee, Head of Planning, declared an interest in Item No. 8 on the Agenda (Paper 2).

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Neil Stewart)

8. Don McKee advised Members that it would not be appropriate to call-in the applications for the CNPA Signs as Members had taken an active involvement in the submission of the applications.

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| 9. 05/051/CP - | No Call-in |
| 10.05/052/CP - | No Call-in |
| 11.05/053/CP - | No Call-in |
| 12.05/054/CP - | No Call-in |
| 13.05/055/CP - | No Call-in |
| 14.05/056/CP - | No Call-in |
| 15.05/057/CP - | No Call-in |
| 16.05/058/CP - | No Call-in |
| 17.05/059/CP - | No Call-in |
| 18.05/060/CP - | No Call-in |
| 19.05/061/CP - | No Call-in |
| 20.05/062/CP - | No Call-in |
| 21.05/063/CP - | No Call-in |
| 22.05/064/CP - | No Call-in |
| 23.05/065/CP - | No Call-in |
| 24.05/066/CP - | No Call-in |
| 25.05/067/CP - | No Call-in |

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| 26.05/068/CP - | The decision was to Call-in this application for the following reason: |
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- The proposal represents the erection of a new dwellinghouse on land which lies outwith the settlement boundaries of Cromdale and on land which is safeguarded from development in the Badenoch & Strathspey Local Plan. The development of new houses in countryside areas outwith defined settlements, especially if unjustified in terms of land management need, has the potential to establish precedents for other similar developments which cumulatively raises issues of general significance for the collective aims of the National Park.

- 27.05/069/CP - The decision was to Call-in this application for the following reason:
- The proposal involves works to existing vehicle tracks in a prominent, sensitive and historic part of the National Park. Works to vehicle tracks are listed in the Development Control Protocol as a type of application that is likely to raise issues of significance to the Park aims and in this instance the proposal raises issues in relation to landscape impact, natural heritage and cultural heritage.
- 28.05/070/CP - The decision was to Call-in this application for the following reason:
- The development represents the erection of a new dwellinghouse in a countryside location outwith a settlement envelope and in an area of restraint as defined in the Badenoch & Strathspey Local Plan. The development of new houses in such locations, especially if unjustified in terms of land management, has the potential to establish precedents for other similar developments which cumulatively raises issues of general significance to the collective aims of the National Park.
- 29.05/071/CP - No Call-in
 30.05/072/CP - No Call-in
 31.05/073/CP - No Call-in
- 32.05/074/CP - The decision was to Call-in this application for the following reason:
- The proposal represents the erection of a new dwellinghouse on land which lies outwith the settlement boundaries of Cromdale and on land which is safeguarded from development in the Badenoch & Strathspey Local Plan. The development of new houses in countryside areas outwith defined settlements, especially if unjustified in terms of land management need, has the potential to establish precedents for other similar developments which cumulatively raises issues of general significance for the collective aims of the National Park.
- 33.05/075/CP - No Call-in
 34.05/076/CP - No Call-in
 35.05/077/CP - No Call-in
 36.05/078/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

37. It was agreed that no comments be made to the Local Authorities on any Planning Applications.

REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF DWELLINGHOUSE AT TOM DHU, CRATHIE, BALLATER (Paper 1)

38. Douglas Glass declared an interest and left the room.
39. Neil Stewart presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement (S75) and the conditions stated in the report.
40. Andrew Thin advised that requests to address the Committee had been received from Dr. E McLeod and Ballater & Crathie Community Council. The Committee granted the requests.
41. Dr E. McLeod, the applicants' doctor, addressed the Committee and questions were invited from Members. There were no questions asked.
42. Sheila Sedgewick, representative from Ballater & Crathie Community Council, addressed the Committee and questions were invited from Members. There were no questions asked.
43. Andrew Thin thanked both the speakers.
44. The Committee discussed the application and following points were raised:
- a) As the design of the house was specifically to suit Mrs Skakles needs, if the applicants were to cease the operation of the Coffee Shop business, would Mrs Skakles disability be enough to satisfy the removal of the condition tying the business to the house.
 - b) The amendment of condition 2 - that the business should be fully operational before the construction of the house started.
 - c) The possibility of phasing the landscaping at the site.
 - d) The scale of the car park regarding the parking of coaches and road safety onto the A93.
 - e) The improvement of the visual amenity of the site.
 - f) The location of the proposed soakaways.
45. Richard Stroud proposed a Motion to approve the application subject to a S75 Agreement and the conditions as stated in the report, but with an amendment to condition 2, stating that the business must be fully operational before construction of the house can take place and an amendment that the landscaping on site should be phased and an appropriate schedule submitted. Bruce Luffman seconded the Motion.
46. David Selfridge proposed an Amendment that the application should be approved subject to the Planning Officers recommendation as stated in the report. Willie McKenna seconded the Amendment.

47. The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Duncan Bryden		√	
Stuart Black		√	
Sally Dowden		√	
Basil Dunlop	√		
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh		√	
Alastair MacLennan		√	
Sandy Park	√		
Andrew Rafferty		√	
Gregor Rimell	√		
David Selfridge		√	
Joyce Simpson		√	
Richard Stroud	√		
Andrew Thin		√	
Susan Walker		√	
Bob Wilson	√		
TOTAL	6	12	0

48. The Committee approved the application subject to a S75 Agreement and the conditions stated in the report.

49. Douglas Glass returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE AT SITE AT MORVEN WAY, BALLATER (PAPER 2)

50. Don McKee, Head of Planning, declared an interest and left the room.

51. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

52. The Committee discussed the application and following point was raised:

- a) Capercaillie in the vicinity of the site.

53. The Committee agreed to refuse the application for the reasons stated in the report.

54. Don McKee returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR TEMPORARY RETENTION OF 9M HIGH TELECOMS MAST AT MORRONE, BRAEMAR
(Paper 3)**

55. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
56. The Committee discussed the application and following points were raised:
- a) Concern that retrospective permission was being sought, instead of the Applicants applying for permission prior to works commencing.
 - b) Timing of works at the site.
 - c) The appropriateness of requesting a bond for the reinstatement of the site.
57. The Committee approved the application subject to the conditions stated in the report. A letter was also to be sent to the Applicants advising that retrospective permissions would not usually be looked upon favourably.

**CONSULTATION RESPONSE FOR THE SCOTTISH EXECUTIVE (SE) CONSULTATION PAPER ON TREE PRESERVATION ORDERS
(Paper 4)**

58. Andrew Tait presented a report covering the main issues raised in the consultation paper and detailed the responses to be submitted. He advised that a covering letter would also be sent stating the National Parks aims.
59. The Committee discussed the report and following points were made:
- a) Concern about tree removal on sites prior to planning applications being submitted.
 - b) Who holds responsibility for any compensation claims that may be submitted? Andrew Tait clarified that the responsibility would lie with the Local Authority/CNPA, although such claims were rarely used.
 - c) Had the 4 Local Authorities in the Park area been formally consulted to check that their views corresponded to those of the Park? Andrew Tait advised that although the Local Authorities had not been formally consulted, informal discussions had taken place and the responses of Angus Council and Highland Council were similar to those of the Park.
 - d) Tree root ball protection.
 - e) The possibility of the SE exploring areas of the CNP which could be covered by a blanket Tree Preservation Order, along the lines of the preservation method in Conservation Areas. This would ensure the NP had a presumption towards conservation.
60. The Committee agreed the consultation response for submission to the Scottish Executive.

ANY OTHER BUSINESS

61. Andrew Thin advised that a meeting had been held, Wednesday 23rd February in Perth. The meeting had been attended by various mortgage lenders to discuss lending on properties tied by a Section 75 Legal Agreement. He advised that the meeting had gone well and that discussions were ongoing.
62. Bruce Luffman advised he had recently attended a COSLA meeting, where a member of Angus Council planning team advised they were exploring different ideas regarding affordable housing and mortgages in rural areas, which had been pioneered in Ireland. BL informed the Committee that some of the ideas were quite interesting and could be explored for use in the CNPA.

DATE OF NEXT MEETING

63. Friday 11th March, Newtonmore.
64. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
65. The meeting concluded at 12.00hrs.